

Rule Chapter 1200-01-07  
Solid Waste Processing and Disposal

Amendments

Paragraph (2) of Rule 1200-01-07-.01 Solid Waste Disposal Control System: General is amended by adding the following definitions alphabetically to the definitions at paragraph (2).

“Calculated **controlled** generation” means the total tonnage of Class I, Class III, and Class IV disposal and all recycled materials **directly controlled** by local governments.

**“Controlled recyclable material” means any material reclaimed, recovered or recycled by a covered local government’s public collection system.**

“Municipal Solid Waste” (MSW) means any garbage, refuse, industrial lunchroom or office waste, household waste, household hazardous waste, yard waste and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities which are required to be disposed of in a Class I landfill, as defined in regulations adopted pursuant to T.C.A. Title 68, Chapter 211; provided, that “municipal solid waste” does not include the following:

- (a) Radioactive waste;
- (b) Hazardous waste as defined in T.C.A. § 68-212-104;
- (c) Infectious wastes;
- (d) Materials that are being transported to a facility for reprocessing or reuse; provided further, that reprocessing or reuse does not include incineration or placement in a landfill; and
- (e) Industrial waste which may include office, domestic or cafeteria waste, managed in a privately owned solid waste disposal system or resource recovery facility, if such waste is generated solely by the owner of the solid waste disposal system or resource recovery facility.

~~“E-scrap” means any electronic device with a circuit board or cathode ray tube (CRT) that no longer is needed and has exceeded its desired or usable life and would be destined for disposal. This includes but not limited to CPU’s, laptops, monitors, televisions, copiers, cell phones, uninterruptable power supply (UPS) systems, and game consoles.~~

“Local government” means any county, municipality, city or other political subdivision of this state, including any school districts or school systems created thereby.

“Material derived fuels” means materials taken from a waste stream such as scrap tires or wood waste that can be used in the production or use as fuel for energy recovery.

**“Maximum practicable reduction” means the point at which no further reasonable reduction is capable as determined by qualitatively reviewing waste reduction, recycling systems, current markets, and economic trends.**

“Waste to energy Facility/Combustor” means a facility where recovered municipal solid waste is converted into a usable form of energy, usually through combustion.

Regulatory Authority: T.C.A. §§ 68-211-102(a), 68-211-105 (b), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), and 68-211-111(d)(1).

Rule 1200-01-07-.09 Waste Disposal Reduction Goal is amended by deleted the current rule in its entirety and substituting the following, so that, as amended, the rule shall read as follows:

1200-01-07-.09 Waste Reduction Goal

(1) General Purpose and Applicability

- (a) The goal of the state is to **increase recycling and** reduce annually the amount of solid waste going to Class I, Class III, and Class IV landfills. **This goal sets the purpose for this rule.**
- (b) Any generator as described in parts 1 through 6 of this subparagraph of Municipal Solid Waste shall reduce annually its waste going to landfills to reach a level of the maximum practicable reduction.
1. Municipalities and other local governments with **a population** greater than or equal to **three twenty** thousand (**3,000 20,000**) people according to the most current U.S. Census Estimated Population **or municipalities with a current waste management program are required to meet this goal** will meet the quantitative recycling goal as described in subparagraph (d) of this paragraph.
  2. Unincorporated areas, municipalities and other local governments with **a population** less than **three twenty** thousand (**3,000 20,000**) people according to the most current U.S. Census Estimated Population **that do not have a current waste management program will be included under the county government's responsibility to meet this waste reduction goal** will meet the qualitative goal as described in subparagraph (e) of this paragraph.
  3. County governments **Municipalities and other local governments** with a population **less than three** greater than or equal to twenty-five thousand (25,000) people according to the most current U.S. Census Estimated Population **that maintain a solid waste system either by contract or through public operation will be** are required to meet this goal the quantitative recycling goal as described in subparagraph (d) of this paragraph.
  4. County governments **are required to meet this goal** with a population less than twenty-five (25,000) people according to the most current U.S. Census Estimated Population will be required to meet the qualitative goal as described in subparagraph (e) of this paragraph.
  5. State government and its institutions are required to meet this goal. Progress will be determined through a state departmental survey as described in subparagraph (f) in this paragraph to benchmark recycling activity.
  - 5 6.** Private entities are required to meet this goal. Progress will be determined through a private sector survey as described in subparagraph **(df)** in this paragraph to benchmark recycling activity.
  - 6 7.** Individuals are considered under their **perspective respective** jurisdictional government.
- (c) For the purpose of this rule, the term **major and minor** covered local governments shall mean: **all of the local governments described in parts (1)(b)1 through 4 of this rule and their agencies, boards, and other subdivisions.**
1. Major covered local governments shall mean all of the local governments described in parts (b)1 and 3 of this rule and their agencies, boards, and other subdivisions.
  2. Minor covered local governments shall mean all of the local governments described in parts (b)2 and 4 of this rule and their agencies, boards, and other subdivisions.
- (d) **Quantitative Recycling Goal.** All **major** covered local governments shall meet a 20% **quantitative** recycling goal and reduce waste going to landfills annually. They shall accomplish this goal within five (5) years of the effective date of this rule and shall be measured **annually thereafter** using a recycling ratio formula as noted below:

**~~% Recycled = Materials recycled that are controlled by the covered local government~~**

~~Total of all materials generated that are controlled by the covered local government~~

$$\% \text{ Recycled} = \frac{\text{Controlled recyclable material collected}}{\text{Calculated controlled generation}}$$

- (e) Qualitative Recycling Goal. Minor covered local governments identified by the criteria in parts (b)2 and (b)4 of this paragraph will meet a qualitative goal based on services offered until such time as the minor covered local government's population surpasses the population benchmark in part (b)1 or 3. This will be their goal. At that time the minor covered local government having surpassed the population threshold, will then be considered a major covered local government and be required to meet the quantitative recycle goal listed in subparagraph (d) of this paragraph within two (2) years.
1. The Department shall evaluate covered local governments defined in part (c)(2) of this paragraph to determine if they are qualitatively equivalent to similar covered local governments based upon elements of an integrated solid waste management system. This assessment will be an objective comparison based on:
    - (i) Waste reduction and recycling programs and systems;
    - (ii) Waste reduction, recycling, and solid waste education programs and systems;
    - (iii) Waste collection and handling systems; and
    - (iv) Solid waste program budget and staffing.
  2. The Best Management Practices guidance document noted in subparagraph (2)(a) of this rule, once adopted, will also be used as further guidance during the qualitative review process.
  3. The methodology shall make comparisons between covered local governments that are as similar as possible in terms of population and socio-economic level to determine if the covered local government qualitatively meets the goal.
- (e f) The Department shall complete a survey of the private sector and the State agencies, to be conducted in years ending in zero (0) and five (5), to establish initially a baseline index for waste reduction and recycling activities in the private sector and the State agencies and then to monitor change.
1. The private sector survey will:
    - (i) Be an index type survey based on Standard Industrial Classification (or SIC) code sectors performed by the Department or its representative.
    - (ii) Identify and report barriers that interfere with the private sector's attempts to recycle.
    - (iii) Be designed to facilitate data collection and reporting.
- (f g) The Department shall review the waste reduction goal on years ending in zero (0) and five (5) every five years and recommend amendments to this rule if needed to provide a challenging, but reasonable, waste reduction goal.
- ~~(g) Covered local governments will implement a four tier infrastructure goal to move their programs towards a fully integrated solid waste management system as defined in Table 1 of this rule. Upon reaching each tier, the next tier would become the goal for the covered local government to achieve.~~

- (h) All Class I, III, and IV landfills shall submit reports to the Department as required by paragraph (6) of this rule.

(2) Waste Reduction

- (a) The Department shall prepare waste reduction ~~and recycling~~ best management practices ~~guidance~~ that covered local governments ~~will~~ may implement as needed to attain the statewide waste reduction and local recycling goals.
- (b) Class III and Class IV materials. Materials received at a Class III or Class IV landfills are not considered toward the waste reduction goal unless the materials are recycled or used for beneficial use activities, including but not limited to use as alternate daily cover (ADC) at landfills.
- (c) Energy recovery and production. Materials ~~derived fuels~~ redirected ~~for~~ to waste-to-energy facility/~~combustors for energy~~ recovery and production shall be considered ~~waste reduction toward the goal~~.

1. To calculate the tons of waste reduction the following formula shall apply:

$$T^i - T^o = T^R$$

Where:

$T^i$  = tons of raw material input into the energy recovery system;  
 $T^o$  = tons of residual material output from the energy recovery system; and  
 $T^R$  = tons ~~diverted~~ reduced.

2. Waste incinerated ~~where the primary purpose is not energy recovery is not considered waste reduction~~ without energy recovery and for the purpose of volume reduction will ~~receive no credit~~.
- (d) Composting of "municipal solid waste". Only the portion of composted municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.
- (e) Recycling. Recycling constitutes a method of waste reduction so long as the recovered materials are marketed for recycling, or are stored for recycling at a solid waste management facility and at least seventy-five percent (75%) of the stored material must be marketed within the succeeding twelve (12) months. The following processes shall not be considered as marketing of recyclable materials nor counted toward the ~~waste reduction~~ goal:
1. Collection or material handling in preparation for buyers pending market.
  2. Storage of unprocessed or processed materials. Unprocessed municipal solid waste is not considered as being recyclable pending market.
- (f) Source reduction of "municipal solid waste". Source reduction measures as a method of waste reduction may include industrial process modification, feedstock substitutions or improvements in feedstock purity, various housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.
1. Source reduction may also include reduction in the amount and toxicity of waste generated by residential and commercial sectors, through such measures as product substitution, home composting and recycling.
  2. Source reduction may also be achieved through the encouragement of consumer habits that include the selection of products that have reduced and recyclable packaging, and the re-use of durable goods.
- (g) Mulching of "municipal solid waste". Only the portion of mulch made from municipal solid waste that is sold or beneficially used may be counted as recycling or towards the waste reduction goal.

- ~~(h) New or expanded solid waste facilities. Operators of solid waste facilities seeking to apply, renew, or expand a current permit, pursuant to Rule 1200-01-07-.02, shall strongly be encouraged through financial or other incentives or disincentives to implement a plan to partner with the local government in the jurisdiction where the facility is located to reduce and recycle the waste stream as part of their permit conditions.~~

~~Such plan shall include:~~

- ~~1. Methods to assist in the establishment of recycling collection points;~~
- ~~2. Programs promoting recycling and waste reduction;~~
- ~~3. Assistance to local governments in implementing local material bans; and~~
- ~~4. Information on recycling for the local governments that utilize the facility.~~

(3) Waste Reduction Plan

- (a) All covered local governments shall prepare and implement a waste reduction plan. Municipalities ~~along with counties~~ shall submit a copy of the plan to the ~~county~~ municipal solid waste planning region ~~creating who will then submit an aggregated copy of all plans to the plan for the municipal solid waste planning region for submission to the Department.~~
- (b) A covered local government's waste reduction plan shall be consistent with T.C.A. § 68-211-815, the municipal solid waste planning region's plan, the guidelines issued by the Department, and the State's solid waste reduction plan. Such plan shall explain the covered local government's waste reduction methods, strategies, and timetables for implementation. The covered local government may use any combination of methods as described in subparagraphs (2)(a b) through ~~(h g)~~ of this rule ~~or in best management practices guidance noted in subparagraph (2)(a) of this rule.~~
- (c) The county waste reduction plan shall be the aggregate of the county government and all the covered local governments' waste reduction plans within the county.
- (d) All municipal solid waste planning regions shall submit a waste reduction plan ~~to the Department that is an aggregate of all covered local governments' plans within the planning region. The municipal solid waste planning region's plan will be the aggregate of all covered local governments waste reduction plans within the solid waste planning region including all counties and municipalities within that solid waste planning region.~~
- (e) Waste reduction plans in accordance with T.C.A. § 68-211-815 will also contain at a minimum but not limited to:
1. Specific waste reduction programs currently offered;
  2. A schedule of waste reduction programs and services to be offered with the implementation dates;
  3. Plan for marketing commodities collected for recycling;
  4. An assessment of infrastructures needed to implement the plan; and
  5. A plan to manage debris during disaster situations that provides for waste reduction and diversion of material from landfills resulting from such disasters.
- (f) Each municipal solid waste planning region shall submit the aggregated waste reduction plan and annual progress report to the Department in accordance with paragraph (6) of this rule. Pursuant to T.C.A. §§ 68-211-816 and 68-211-871, such reports shall include, at a minimum, the amount and type of recycled materials collected in the region.

- (g) To implement the new waste reduction goal, the Department shall require an update of all solid waste plans to be completed by ~~June 30~~ December 31, 2015. This update will address all changes relating to the waste reduction and recycling goals defined in this rule ~~Chapter~~.
  - (h) This waste reduction plan shall be a component of the region's municipal solid waste plan.
- (4) Accounting. In accordance with T.C.A. § 68-211-874 ~~major~~ covered local governments shall use an enterprise fund system of accounting for all solid waste programs, unless at the discretion of the Commissioner, a special revenue fund is allowed. The Commissioner may, at his discretion, allow a Special Revenue Fund system of accounting to be used for a particular solid waste program if he determines that the accounting discloses, at a minimum, all expenditures, all revenues, and the cost per household for solid waste services.
- (5) Enforcement
- (a) Except as provided in subparagraph (b) of this paragraph, failure to comply with the applicable requirements of this rule will subject any entity to the penalties provided by T.C.A. §§ 68-211-816 and 68-211-861.
  - (b) Covered local governments failing to meet the waste reduction or recycling goal after 2015 shall be reviewed by the Department. A determination will be made based on the following as to the course of action required by the covered local government to attain the goal.
    - 1. Covered local governments with Recycling Ratios of 15%-19% as calculated by subparagraph (1)(c) of this rule. The covered local government will be notified of non-compliance. The Department shall qualitatively assess covered local governments failing to meet the established statewide waste reduction and local recycling goals. The Department shall determine and recommend waste reduction programs, best management practices, and activities to be implemented to improve the covered local government's waste reduction efforts. The covered local governments shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.
    - 2. Covered local governments with Recycling Ratios of 10% -14% as calculated by subparagraph (1)(c) of this rule. The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of that covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.
    - 3. Covered local governments with Recycling Ratios of 0%-9% as calculated by subparagraph (1)(c) of this rule. The covered local government shall be notified of non-compliance. The Department shall direct the local development district to provide a comprehensive Needs Assessment of all solid waste systems under the control of the covered local government identifying deficiencies in their solid waste programs. The Department, based on the Needs Assessment, will make recommendations of programs, best management practices, and activities to be implemented to improve waste reduction efforts. The Department shall set quarterly milestones to monitor the covered local government's progress towards the goal. Quarterly progress reports shall be made to the Department updating the milestone progress. The covered local government shall timely implement by ordinance the identified recommendations and within two (2) years achieve the goal. If the covered local government fails to comply with this part, the Commissioner may assess penalties stated in T.C.A. §§ 68-211-816 and 68-211-861.

(6) Reporting

- (a) Class I, Class III, and Class IV landfills shall report to the Department, on forms provided by the Department, the origin and tonnage (construction and demolition materials converted from cubic yards at 4 cubic yards per ton) on a quarterly basis within thirty (30) days after the end of the quarter.
- (b) All municipal solid waste planning regions shall submit by March 31<sup>st</sup> in the calendar year immediately following the reporting year their annual progress report. The covered local government may request in writing prior to the due date an additional thirty (30) days to submit all required information. Additional time may be granted by the Commissioner for good cause shown.

TABLE 1

Category	Tier 1	Tier 2	Tier 3	Tier 4
Collection	At least one Convenience Center and/or additional based on SWMA requirements	Add additional Convenience Centers to fully serve needs conveniently located around county, start moving towards higher level of service in populated areas	Curbside Higher level of service, mandatory countywide service	Curbside Higher level of service, mandatory countywide service  Curbside recycling programs in place (Public or Private)
Disposal	Local or Regional Class I Landfill Disposal for Class I and III/IV waste	Local or Regional Class I and Class III/IV landfills disposal of waste by type to correct Landfill.  Transfer Station, use of pit burners or air curtain destructors	One Transfer station, Class I waste going to Class I facilities, Class III/IV waste going to Class III/IV facilities.	Class I disposal being directed to digesters or composters, or moving some waste to material derived fuels or WTE or other waste reduction conservation disposal program.  Methane Recovery For Power At Landfill  Work to only dispose of what is actually necessary and have no other location to send materials to.
Waste Reduction	A minimal recycling program to include at least a fiber category (cardboard, paper, etc.), Metal, and waste tires	Expand existing recycling program to include multiple fiber, multiple metal, white good materials, used oil and anti-freeze	Expand existing recycling program to include full spectrum of fiber and metals, include multiple types of plastics, glass recycling or management if end-user	All traditional recyclables (Fiber, Metals, Plastics, Glass <when markets are available>, Tires, reusing oil in burners, Other non-traditional recyclables,



Category	Tier-1	Tier-2	Tier-3	Tier-4
			available, white goods, Treat anti-freeze, used oil as recyclable or resource not waste	Implementing many other waste reduction strategies (PAYT, product stewardship, WasteWise, LEEDS, etc.) Some curbside recycling (Public or Private)
Problem Wastes	Public or Private sites to collect and manage Lead Acid Batteries, Tires, Oil, other automotive fluids Host occasional Mobile HHW collection event	In addition to Tier 1, host yearly a mobile HHW collection event, Program to manage latex paint, e-scrap management	Smaller Permanent Household Hazardous Waste Facility, Used oil and anti-freeze management, e-scrap management through cooperative marketing, Latex paint management, gas cylinder management	Full-Size Permanent Household Hazardous Waste Facility (may handle regional needs) Used oil and anti-freeze management, strong e-scrap recycling management program, Latex paint management, gas cylinder management
Education/Awareness	Signage at convenience centers, some K-12 promotion (can be through TN-SWEP)	Signage at convenience centers, some K-12 education (can be through TN-SWEP). Increased media materials, multimedia presentations, educate on e-waste and paint management.	K-12 education programs regularly administered, public service announcements, how-to and awareness campaigns, regular promotion of waste reduction, Regular use of programs like Recycle Guys, Adult targeted programs, Employee programs	K-12 curriculum and Programming Adult Programming Regular media outlets, Multi lingual education, Education centers available to educate on recycling (Public or Private)
Staff/	Solid Waste Director or Recycling Coordinator whose duties are at least 55% solid waste/waste reduction related.	Solid Waste Director or Recycling Coordinator whose duties are at least 75% solid waste/waste reduction related.	Solid Waste Director or Recycling Coordinator whose duties are at least 95% solid waste/waste reduction related.	Solid Waste Director/or Public Works Director with Solid Waste/and Recycling Sections  Recycling Coordinator
Composting/Mulching	Not promoted, some composting	Low tech mulch operation	Extensive Mulching	Full Composting/Mulching



Category	Tier-1	Tier-2	Tier-3	Tier-4
	or mulching may be present on a residential level	operated by covered local government	Programs Some back yard composting operations, may be some vermiculture	Operation Promoting back yard composting and vermiculture
Population Served	Low population, Very Rural Counties Minimum level of service	Fair to Moderate Population base, Larger more developed Rural counties	Moderate to Large Population base, Moderate to Large Counties with moderate to large urban influences	Large to Very Large Population Base, Larger very Urban Counties-/ Municipalities
Economic	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs	Full Cost Accounting (Disclosure)/ Enterprise Fund Accounting for Solid Waste and Recycling Programs

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-105(c), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-851(a), 68-211-852, 68-211-853, 68-211-861.

Paragraph (1) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph and substituting the following language, so that, as amended, the paragraph shall read as follows:

(1) Purpose

- (a) This rule shall establish the minimum level of service which every county must provide in order to assure that all residents of a county are provided with collection and disposal service.
- (b) This rule shall establish minimum standards for the design and operation of convenience centers if such service is selected by a County.
- (c) This rule shall establish requirements for operation and use of county public collection receptacles for municipal solid waste.

Paragraph (5) of Rule 1200-01-07-.10 Convenience Centers/County Public Collection Receptacles is amended by deleting the current paragraph in its entirety and renumbering the remaining paragraphs in the Rule.

Subparagraph (a) of paragraph (6) of Rule 1200-01-07-.10 Convenience Center/County Public Collection Receptacles is amended by deleting the current subparagraph and substituting the following language, so that, as amended the subparagraph shall read as follows:

- (a) Each county which maintains and uses receptacles for the collection of municipal solid waste from the general public at sites separate from a convenience center shall develop a plan for the elimination or conversion to manned convenience centers as defined in paragraph (2) of Rule 1200-01-07-.01 by June 30, 2015 to be implemented by June 30, 2020. The county will include the following information as part of the municipal solid waste planning region's annual report (which is submitted to the Department) until said collection receptacles are eliminated or converted:
  - 1. The number of receptacles in the County;
  - 2. The location of all receptacles by street address and geo-code (longitude and latitude);

3. Collection times for such receptacles; and
4. Operation procedures and security measures adopted and enforced to maintain and service the receptacles and to ensure the protection of public health and safety. Such information required by this part must be in the form of a narrative manual and meet the minimum requirements of subparagraph (b) of this paragraph.

Regulatory Authority: T.C.A. §§ 68-203-103(b)(3), 68-211-102(a), 68-211-106(a)(1), 68-211-107(a), 68-211-111(d)(1) and (2), 68-211-105(b), 68-211-851(a), and 68-211-853.